

IN THE DISTRICT OF THE UNITED STATES OF AMERICA
FOR THE SOUTHERN DISTRICT OF ILLINOIS

_____)
ROGER STEWARD, SAUNDRA)
STEWARD, VERNA WELCH, SAVANNAH)
WELCH, WANDA SULLIVAN AND JOHN)
SULLIVAN; on behalf of)
themselves individually and all)
others similarly situated,)
_____)
Plaintiff(s),)
_____)
vs.) Case 18-CV-1124
_____)
HONEYWELL INTERNATIONAL INC.,)
_____)
Defendant(s).)
_____)

DISCOVERY DISPUTE
(Telephonic conference)

BE IT REMEMBERED AND CERTIFIED that heretofore on **8/9/2018**,
the same being one of the regular judicial days in and for the
United States District Court for the Southern District of
Illinois, **Honorable Stephen C. Williams**, United States
Magistrate Judge, presiding, the following proceedings were
recorded by mechanical stenography; transcript produced by
computer.

APPEARANCES:

FOR PLAINTIFF(s): Katrina Carroll and Kevin Thompson of Lite
DePalma Greenberg, LLC-Chicago, 110 W. Washington Street -
Suite 1240, Chicago, IL 60602

FOR DEFENDANT: John E. Galvin of Fox Galvin LLC, One South
Memorial Drive, 12th Floor, St. Louis, MO 63102 **and**
Michael Daneker and Stephanie Weirick of Arnold & Porter -
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INDEX OF WITNESS EXAMINATION

DX

CX

R-DX

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No witness testimony.

INDEX OF EXHIBITS

EXHIBIT

DESCRIPTION

Id'D

Rcv'd

Exhibits not indexed.

MISCELLANEOUS INDEX

PAGE

No miscellaneous index entries.

1 THE COURT: Okay, we are on the record in *Steward*
2 *versus Honeywell*, Case 18-1124-MJR-SCW.

3 On the line for plaintiffs are Kevin Thompson and
4 Katrina Carroll. And for defendant Honeywell: Michael
5 Danecker, John Galvin, and Stephanie Weirick.

6 So when we last talked we discussed the parties
7 getting together for a protocol to address areas where there
8 was concern about spoliation for purposes of doing testing.
9 And we did, in fact, specifically talk about whether or not
10 this would be all the testing or just areas that were of
11 specific concern, with the understanding that there would be an
12 opportunity down the road for additional testing. So the
13 parties have met and conferred and evidently there are some
14 issues concerning the location of testing that the plaintiffs
15 want to do.

16 So I'll let defense start. And whoever is going to do
17 that.

18 MR. GALVIN: Thank you, your Honor. John Galvin
19 here. And I won't take too long.

20 But you will recall this episode started as we had
21 disclosed to plaintiff some ongoing work that was happening at
22 the facility. And when we had our prior call with the Court, I
23 think, Judge, you focused on absolutely the right question.
24 You asked the plaintiffs at Page 19 of the transcript: Is it
25 the concern that there's sampling you could obtain now that you

1 won't be able to obtain in, let's say, two months time.

2 And you went on to ask them: So give me an example.
3 Tell me what's going to be destroyed or spoliated.

4 So, Judge, that's the focus, and should be the focus.
5 And the plaintiffs are asking for pretty extraordinary relief
6 here; the opportunity to come on to the site and do testing in
7 advance of normal discovery, in advance of even a ruling on our
8 motion to dismiss which has now been filed. And, you know,
9 eventually the pleadings get set. We find out what is relevant
10 in the case. They want to come in earlier. So the focus needs
11 to be on: Is there an emergency? Is there, as you asked the
12 plaintiffs, something you need to take now that you couldn't
13 get later on? Is there something that's going to be destroyed?

14 As we talked, the focus ended up on being the SF6
15 building. In great part because you had asked me, Judge, on
16 the rail spur project when we moved some dirt were we going to
17 be moving that offsite, and we didn't have plans to move that
18 offsite. We would in due course, but not right now. And in
19 the Court's minute order, it said don't move any earth off
20 right now. And so we focused on the SF6 building. And, Judge,
21 even in the transcript again, at Pages 30 and 31, you said:
22 The building, that's the one that's timely.

23 You said: The thing that makes this a pressing issue
24 is the building that's being demolished and is being trucked
25 offsite.

1 So when we followed up a week or so after the hearing.
2 We hadn't heard anything from plaintiffs, so I wrote and said,
3 you know, are you guys still interested in coming in and doing
4 this testing. And they did get back to us then with their
5 protocol which really included these Google Earth images, not
6 really photographs of the site but images they pulled off the
7 Internet, that had circles and boxes around some areas. We
8 were surprised to see that none of those included the SF6
9 building debris. Which was the exact thing that we said we
10 need to ship this offsite because it is costing us money
11 everyday, was the focus of the hearing. It was the thing that
12 you focused on, Judge. Instead, we got these satellite images
13 of areas that have nothing to do with anything we talked about
14 and are not in any kind of imminent threat of being spoliated
15 or destroyed.

16 For example, one of the photographs is of our office
17 building, our administrative building. And the plaintiffs now
18 tell us they want to come in and test the inside of that
19 building. That building is not being moved offsite. It has
20 really nothing to do with this emergency procedure that we're
21 talking about here. For general discovery, down the road, we
22 can talk about those kind of things. But right now it has to
23 be an exigent circumstance, irreparable harm really kind of
24 shows me the plaintiffs probably are not really interested in
25 testing the SF6 debris. I thought in the first place that that

1 was kind of a red herring. Their case is really about whether
2 there is contamination on their own property, not whether there
3 is contamination on the facility. It's a uranium processing
4 facility, there is going to be radioactive material on that
5 facility. We know that; the government now knows that.

6 We have now had 30 days of costs running on this. And
7 frankly, Judge, we are at the point we would ask that you allow
8 us to move on, do our business, move the stuff offsite that
9 needs to be moved offsite. If, some day, if this case survives
10 the motion to dismiss, and if, some day, they actually file a
11 proper request for inspection of property and show that this is
12 permissible discovery, then, some day, they can come in and
13 might be able to test the inside of the building, or a pad over
14 here, or a road, which are the things they've identified now.
15 But that's not what we talked about at the last hearing; that
16 was not the focus of what you were told, your Honor; and that's
17 not an appropriate thing to try to do on this request for early
18 discovery.

19 *THE COURT:* Okay. So who's speaking for the
20 plaintiff?

21 *MS. CARROLL:* Katrina Carroll, your Honor.

22 *THE COURT:* Okay. Yeah, I know what we talked about.
23 I even offered up you guys coming up with a protocol to test
24 the entire site so we didn't have to do it more than once and
25 everybody agreed, no, there was no necessity for that; we just

1 need to take care of the stuff that there's a concern about
2 spoliation. And, evidently, you are not even asking to test
3 the debris that's being trucked off that I told them they
4 couldn't move.

5 MS. CARROLL: Let me just respond to that, your
6 Honor.

7 THE COURT: Yes, please do.

8 MS. CARROLL: When we had the discussion on the
9 record, my understanding is that we were focused on the SF6
10 area, but that we were not going to be limited to the debris
11 only and --

12 THE COURT: So why is it that you didn't even ask to
13 test that building?

14 MS. CARROLL: Because, your Honor, after I was able
15 to consult with my expert after we had the hearing, I said,
16 well, you know, what is the concerns in the area from the
17 construction activities. And we know the debris is admittedly
18 contaminated with the uranium because they've produced
19 documents establishing that. The concern that the expert
20 relayed to me was that moving that debris, which is admittedly
21 contaminated, around the area would likely interfere with
22 future test results that we would get, and thus affect our
23 ability to show the concentration of the toxic materials in the
24 area. Which is, I think, what we discussed on the hearing as
25 well. So --

1 THE COURT: No, I don't -- can you tell me where in
2 the transcript.

3 MS. CARROLL: I believe --

4 THE COURT: -- that that was?

5 MS. CARROLL: I believe it was at Page 19, your
6 Honor.

7 THE COURT: Let me look at it --

8 MS. CARROLL: Now --

9 THE COURT: Let me look at it. I don't remember that
10 piece.

11 MS. CARROLL: It's around 19, your Honor. I'm
12 scrolling through it right now. Oh, here -- I think we started
13 at the bottom of 25 -- 25, Line 20 -- and then the top of 26.

14 UNIDENTIFIED SPEAKER: It's not related to the
15 building. You got to look at Line 15 there. The Court's
16 asking about the building.

17 COURT REPORTER: Who is that?

18 THE COURT: Oh, that's Mr. Galvin is who that was.

19 MR. GALVIN: Oh, I'm sorry.

20 THE COURT: Hang on.

21 On Page 25? I'm now on to Page 27, I'm not sure I see
22 where you are talking about.

23 MS. CARROLL: I was trying to make the point that the
24 area in proximity to the building, where the building was, is
25 an important area in general because it's important to show,

1 for purposes of our case, causation, and how the materials are
2 concentrated, where they're concentrated, and where they're
3 most concentrated.

4 *THE COURT:* Okay. So you just want to test the area
5 right around the building?

6 *MS. CARROLL:* Well, we proposed four areas that our
7 expert said would give us the best sense. And the areas that
8 we chose, most of them are outdoor areas that would not be
9 disruptive of any of Honeywell's operations. And the one
10 indoor area was chosen based on what my expert told me because
11 it is in proximity to where the plant processes were.

12 *THE COURT:* You didn't answer my question. Because
13 obviously for me -- for you to say our expert chose these areas
14 because these are the areas he wants to test. Fine. But what
15 we are trying to understand is, if I'm going to give you two
16 bites at the apple, you only get those if the first bite is the
17 emergency bite. And it sounds like you want the first bite to
18 be the big bite, and the second bite to be the clean up bite.
19 So that's not how -- and I already told you I thought that's
20 how we were going to do, just one bite. And you said, no, we
21 don't want that, we want two bites. But you only get two if
22 the first one is an emergency.

23 *MS. CARROLL:* Well --

24 *THE COURT:* If this --

25 *MS. CARROLL:* I --

1 THE COURT: I don't want to know just why it is that
2 your expert thinks these are good sites to test. And if that's
3 what you want to do, we can do it in the ordinary course. You
4 can file a request to produce, like the defense says. And
5 actually you can do that before the scheduling conference,
6 that's allowed now under Rule 34. And you do one testing of
7 the whole site.

8 But I wanted to know why, now that you are not going
9 to test that building, and presumably what you -- you haven't
10 told me that these are right in the immediate vicinity of that.
11 And I'm concerned about that. You are saying these are the
12 places my expert thinks we should test. And that --

13 MS. CARROLL: Well, --

14 THE COURT: -- goes to what your expert says
15 substantively about the entire case.

16 MS. CARROLL: Your Honor, what my expert has told me
17 is what he is -- the biggest concern, and this is the
18 emergency, and if we are wrong about the area then I'm happy to
19 meet-and-confer further with defense on it. But his biggest
20 concern is that admittedly contaminated material from that
21 building is being shipped off. And so in order for that to
22 happen, it needs to move through the property. And --

23 THE COURT: Okay. So you want to test the areas that
24 the admittedly contaminated -- you don't, like, pick up the
25 contaminated stuff, I don't think, and spread it around the

1 property like you are shoveling snow. It's being moved
2 offsite. So there's, like, a road, right?

3 MR. GALVIN: Your Honor --

4 THE COURT: So he wants to test the roads but before,
5 just to make sure that, you know, the -- if we test the roads
6 later it's not an increased amount on the roads because there
7 was debris being dropped?

8 MS. CARROLL: He didn't say anything to me about
9 roads. And I don't know how, you know, in terms of logistics,
10 what happened and how it moves.

11 THE COURT: You know, you got to kind of explain that
12 to me if you want to get in there on an emergency for bite
13 No. 1. And then instead of we get two bites of the apple,
14 let's take our best shot now, and then we will get another one
15 because we already secured that assurance for the other side
16 and the Court. That seems like a bait and switch.

17 If you are saying these are the places our expert
18 wants to inspect, and we want to inspect all these places
19 before anything is disturbed, okay. Then let's have an honest
20 discussion about that. And, you know, if it's six sites, then
21 you go in and get your six sites and we're done, and you don't
22 get to go back in.

23 Is that -- I mean, is your expert saying there is
24 other places he wants to go?

25 MS. CARROLL: We asked him for a narrow proposal.

1 I'm assuming if it was going to be a one-shot deal it would be
2 a lot more expanded.

3 *THE COURT:* Okay. But then what is this -- so this
4 narrow proposal is give me six that are narrow and then we will
5 go in later if -- but what does it have to do with specifically
6 the activities that are taking place as it relates to those six
7 specific locations that he proposed?

8 *MS. CARROLL:* He's --

9 *THE COURT:* That was clearly the focus of our
10 discussion last time is what's going to get spoliated and why.
11 And you explained to me a good reason, but it's a different one
12 than I'm hearing right now.

13 *MS. CARROLL:* Well, I apologize for that, your Honor.
14 But the reason it's a different one is because I had a chance
15 to talk to my expert more. He's the one with the scientific
16 knowledge. But my understanding is, you know -- my goal is
17 still to, you know, try to make this as narrowly tailored as
18 possible, and to try to focus on the area around the building
19 where the admittedly contaminated waste is going to be moved
20 from.

21 *THE COURT:* Okay. So are these places on the Google
22 Maps then -- let me see...

23 *MS. CARROLL:* The Area 1 of the Google Maps -- your
24 Honor, I'm sorry to cut you off -- is the dirt piles that we
25 referred to in several meet-and-confers with defense. And I

1 think Mr. Galvin made a reference to it on our last call. It's
2 the -- there's a soil pile there that we had identified.

3 *THE COURT:* Okay. So that --

4 *MS. CARROLL:* We don't know --

5 *THE COURT:* Is that dirt pile the -- having to do with
6 the tracks that are -- the railroad tracks?

7 *MR. DANEKER:* Our understanding is that that is a
8 dirt or slag pile that has to do with the grading for the
9 railroad tracks; and we have said we will not move offsite
10 pending further -- pursuant to the Court's minute order.

11 *THE COURT:* Okay, so that's 1.

12 So I mean, all right, that was an area we did talk
13 about because there is a dirt pile there now that was clearly
14 earth that was moved from somewhere else. But that doesn't
15 having anything to do with the building, does it? That had to
16 do with a very small area where there was grading being done.

17 *MR. DANEKER:* That's correct.

18 *MR. GALVIN:* None of these have anything to do with
19 the building. And I'm sorry that -- Counsel says that her
20 expert tells them they wanted to sample in the area immediately
21 in proximity to the debris from the SF6 building. They don't
22 even have that area circled or squared on any of these maps --

23 *THE COURT:* Well, do I have --

24 *MR. GALVIN:* -- we are not taking the debris through
25 the administrative offices. That's one of the places that they

1 have circled. That's not at all what these pictures depict.
2 Plus that --

3 *THE COURT:* Yeah.

4 *MR. GALVIN:* -- those things are not getting changed.
5 Okay. What's getting changed is, the debris is being moved
6 offsite. If they have an emergency they need to test, it is
7 the debris that is getting moved offsite. Nothing else.

8 *MS. CARROLL:* Well, our view is the pathways of that
9 debris are highly relevant.

10 *THE COURT:* I'm sorry --

11 *MR. GALVIN:* They're not going through the office.

12 *THE COURT:* Okay. So, your -- the pathways for the
13 debris, is that -- all right, so, I'm looking at "compare
14 results" that's got these pictures on it. (Law clerk speaking
15 with judge).

16 I'm going to look at Plaintiff's Proposed -- I'm going
17 to use that one instead, Plaintiffs' Proposed Protocol.

18 *MR. DANEKER:* If you look at Plaintiffs' Proposed
19 Protocol my understanding is that the SF6 building, look at the
20 aerial photograph that has Squares 4A and 4B on it.

21 *THE COURT:* Okay.

22 *MR. DANEKER:* Neither 4A nor 4B contains the SF6
23 building. Our understanding is that the SF6 building and
24 demolition is -- there no direction here, but -- down the page,
25 due south of 4B, a little bit to the southwest of 4B. And

1 what's going on is that the building is being demolished.
2 There are piles of debris that are being created there, and
3 those piles are loaded on to rail cars there, and then the rail
4 cars have to be screened before they can leave the restricted
5 area so they are demonstrated to be sealed. Which means that
6 the loading operations, and any transport, would be right in
7 the vicinity of those debris piles. Which is why we suggested
8 to them that they sample the debris piles adjacent to the SF6
9 demolition.

10 *THE COURT:* So what's the -- I mean, I'm just not
11 seeing how -- what the connection is between the areas that you
12 have indicated on here then, Ms. Carroll, and what you have
13 just said to me. So let's start with -- I'm looking at your
14 Exhibit 1 figures: Areas to be sampled, Area 1, surface soils
15 and sediments from storage area. What's that?

16 *MS. CARROLL:* That's the soil pile that we've been
17 continually talking about. And based on what I just heard, it
18 appears that that's rails for dirt. You know, it's their -- is
19 there an exigent circumstance? I don't think I can tell your
20 Honor there is an exigent circumstance for sampling that right
21 now. We included it because it was a specific area that we
22 noted. And, you know, if we are going on site we might as well
23 do it now.

24 *THE COURT:* Well, we talked about that before, didn't
25 we? If we are going on site we might as well do it. If you want

1 to just do one overall trip to the site then, you know, the
2 migh's-well-do-it-now part is fine if we are going to do it all
3 now. What about Areas 3A -- let's see. This one is Area 2,
4 Surface Soils and Sediment. What's that?

5 MS. CARROLL: Area 2 is an outdoor area that I think
6 is to the south of the site. It's -- there's a -- if you look
7 at Aerial Picture 1 there is, in the lower left-hand corner,
8 there's like a green, it looks like a pond area. Area 2 is the
9 outdoor area that is near there, blown up.

10 THE COURT: I see it.

11 (Law clerk speaking to Judge)

12 Yeah. I'm looking at the picture. What's the
13 significance of that that's exigent?

14 MS. CARROLL: My expert's general concern that
15 movement of hazardous material, materials that are radioactive
16 are being moved through the area generally. Do I have a -- I
17 don't have a specific exigent circumstances as it relates to
18 that area other than that general concern my expert relates.

19 THE COURT: Okay. What about --

20 MR. THOMPSON: Well, your Honor --

21 THE COURT: Go ahead.

22 MR. THOMPSON: -- if the defendants --

23 THE COURT: Who is this?

24 MR. THOMPSON: Kevin.

25 -- are fine with us doing one sample, like, one big

1 trip, we could just do one big trip and just do it a little
2 sooner than everyone had planned on doing it.

3 UNIDENTIFIED SPEAKER: When you say a little bit
4 sooner. I mean, in the ordinary course of discovery, when we
5 have had a ruling on the motions, the pleadings are set so we
6 know the scope of discovery.

7 MS. CARROLL: Well, I --

8 UNIDENTIFIED SPEAKER: Rule 26 conference. That's
9 when you do an inspection. If this is an emergency, it's an
10 emergency.

11 THE COURT: I'm talking about what is -- I'm trying to
12 understand and get -- have something explained to me about why
13 these things are an emergency versus anything else.

14 So if I've told them not to move debris and -- I'm
15 still not -- these explanations of "our expert thinks so"
16 doesn't tell me anything. And the same thing I guess with 3A
17 and 3B. I mean, going to be.

18 UNIDENTIFIED SPEAKER: This could be the solution.
19 Our expert doesn't have access to the site, but he's guessing
20 where we might find debris if it's been moved about the site.
21 Maybe we could just test the pile of stuff that the debris for
22 the building. And then maybe the defendants could show us
23 where that debris moved from and to, and we take four soil
24 samples along the path that they tell us.

25 THE COURT: Well, that sounds reasonable.

1 UNIDENTIFIED SPEAKER: Then we don't have to guess.
2 And then -- and then I'm the willing to make a dealers choice
3 on their part about where they want to test it. I'll trust
4 them to say, hey, it moved from over there, it was in a truck,
5 and it came over here.

6 THE COURT: You are talking about debris -- which
7 debris piles are you talking about; you are talking about all
8 the debris piles? Or are you talking about the one relating to
9 the building?

10 UNIDENTIFIED SPEAKER: The one relating to the
11 building, because I understand they are not going to move the
12 other debris pile, the dirt.

13 THE COURT: That's right. That's right. Well, that
14 sounds like a reasonable -- this is Mr. Thompson, right?

15 MR. THOMPSON: Yes, your Honor.

16 THE COURT: So that, to me, sounds like a reasonable
17 way to go about it. You go over there. Or you have them point
18 out on the map, so that you know, here are the places that
19 the -- we can point out here where that thing, the debris has
20 been moved and where we intend for it to be moved, it's not
21 going to be moved any place out, and you test in those
22 vicinities. That's kind of what I thought we were going to do.

23 MR. THOMPSON: Just to explain where Dr. Talcokin
24 [ph] was going to the administration building. I think that's
25 the building we might expect to be lightly impacted. And, you

1 know, this case is about dust moving out, off, and into
2 buildings. There's a unique contaminative concern that we find
3 associated with this path, you know, that would not be a
4 contaminative concern that we might find in the primary UF6
5 building. Then that could be a marker that this is moving. I
6 think we can pull that off, because we could only go to the
7 administration building -- I think Mr. Galvin makes a good
8 point, they probably are not going to move the administration
9 building.

10 *THE COURT:* Right.

11 *MR. THOMPSON:* So I mean we can go always go back and
12 test that later once we got this debris pile and the path by
13 which it went.

14 *THE COURT:* Yeah. That makes sense.

15 *MR. THOMPSON:* Since we are walking by that pile of
16 dirt, of soil, you know, we could just dip a trowel in and take
17 that out. And the next time we come back, for the big site, we
18 don't have to worry about any of this debris or outside, we
19 could just take a trowel and get a sample out of dirt pile and
20 we're good, and that's going to take 15 minutes.

21 *THE COURT:* So you can take the dirt pile, you are
22 talking about in Area 1, correct?

23 *MR. THOMPSON:* Yeah.

24 *THE COURT:* The soil storage area. And then the area
25 around demolished building SF6, and the pathway from which it

1 would be removed for the site?

2 MR. DANEKER: Your Honor --

3 THE COURT: Hang on. Let me just make sure that
4 that's -- I'm clear on what Mr. Thompson is proposing.

5 MR. THOMPSON: That's my proposal.

6 THE COURT: And now back to the defense, Mr. Daneker.

7 MR. DANEKER: Sorry, your Honor, to interrupt.

8 THE COURT: That's all right. Go ahead.

9 MR. DANEKER: Just to be clear, the pathway by which
10 it is being removed, as I understand it, is a railcar on a rail
11 line. So, we would be talking about where the debris pile is,
12 and then where it is loaded onto a closed railcar.

13 THE COURT: If that turns out to be the case, that
14 should provide an easy basis from which you can agree upon a
15 reasonable, you know, area to test. Right?

16 MR. THOMPSON: That sounds reasonable to me, yes.

17 THE COURT: Okay. And this makes sense. We get this
18 taken care of. And I agree, go ahead take -- you know, if it's
19 only going to take 15 more minutes, we know where the soil pile
20 is, go ahead and take that, too. It was a topic that we
21 discussed last time. And so it's -- those are the things we'll
22 do this first time. Modify this agreement accordingly. And we
23 should be good.

24 MR. THOMPSON: All right. Thank you, your Honor.

25 THE COURT: Mr. Daneker or Mr. Galvin anything else?

1 MR. DANEKER: I believe, your Honor, that we can work
2 the remaining conditions out with the plaintiffs.

3 THE COURT: Okay.

4 MR. DANEKER: I wanted to flag that there were a few
5 other ones.

6 THE COURT: Do you want me to address those? I'm
7 sorry. This was the main one.

8 MR. DANEKER: We had -- we have respond to their
9 protocol with a couple of others. The one that is the most
10 important is that: Pursuant to our nuclear regulatory
11 commission license we cannot allow material, if it's above a
12 certain radioactive level, to leave the site unless it is
13 properly labeled and being shipped to a laboratory that is
14 authorized by the federal government to accept it. And so,
15 we've written this into our response to the protocol, but we
16 have to have the ability to inspect whatever samples they take
17 and to do a quick screen on them just to make sure that it
18 doesn't rise above those levels or, if it does, it is properly
19 packaged and sent to the laboratory in the right way.

20 THE COURT: Let me just ask real quick before we move
21 onto anything else. Mr. Thompson or Ms. Carroll, what's the
22 problem with that?

23 MS. CARROLL: We don't have one.

24 MR. THOMPSON: There is no problem with that. And we
25 will be shipping it to Eberline. Make sure Mr. Galvin is -- I

1 think that's probably who Honeywell uses.

2 *THE COURT:* I'm sorry.

3 *MR. THOMPSON:* I said I think that's probably who
4 Honeywell uses is Eberline Laboratories, shipping to Oak Ridge.

5 *THE COURT:* Okay, great. What else, Mr....

6 *MR. DANEKER:* Daneker, I think.

7 *THE COURT:* Yeah. What else, Mr. Daneker. I'm sorry
8 I keep looking down at different parts of my sheet. Go ahead.

9 *MR. DANEKER:* Just a couple of them.

10 Obviously, the plaintiffs' -- I don't think these are
11 controversial. But the plaintiffs' representatives will need
12 to go through our safety training and will need to be escorted
13 at all times.

14 *MR. THOMPSON:* Certainly. Absolutely.

15 *THE COURT:* Okay, we got that. What else?

16 *MR. DANEKER:* And the plaintiffs have requested video
17 and photography. We are okay with it but, because it is an NRC
18 licensed facility, we would request the video and photography
19 be limited to the sampling activity and the sampling area.

20 *MR. THOMPSON:* That would be the reason we would be
21 doing the video and photography to confirm the samples; so for
22 this event, that certainly is reasonable and what we would plan
23 to do.

24 *THE COURT:* Okay. Great. All right.

25 *MR. THOMPSON:* Except -- one thing. When we do that,

1 we need to get an establishing shot. There might be something
2 in the background so you can -- 'cause if you take a shot of
3 somebody with the trowel you don't know where they are.

4 MR. DANEKER: We understand.

5 MR. THOMPSON: Okay.

6 THE COURT: Fair enough. Anything else?

7 Okay, this makes sense. And again, you know, this is
8 the -- this all makes sense to me as the exigent circumstance,
9 and any other testing we will deal with later on.

10 Okay, great. Thank you. Court's adjourned.

11 (Court adjourned)

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13 REPORTER'S CERTIFICATE

14 I, Molly N. Clayton, RPR, FCRR, Official Court Reporter
15 for the U.S. District Court, Southern District of Illinois, do
16 hereby certify that I reported with mechanical stenography the
17 proceedings contained in pages 1 - 23; and that the same is a
18 full, true, correct and complete transcript from the record of
19 proceedings in the above-entitled matter.

20 DATED this 11th day of August, 2018.

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s/Molly Clayton, RPR, FCRR